



REQUEST FOR PROPOSAL (RFP)

RFP No. 291-23

PAVEMENT ASSESSMENT AND MANAGEMENT SOFTWARE

Buyer of Record: Andrew Miskell, CPPB

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SECTION A: SCHEDULE, BUYER OF RECORD, AND GENERAL SUMMARY OF NEEDS
A.1 SCHEDULE OF EVENTS:

The following is a list of important items, dates, and times that pertain to this solicitation. All times listed below are in reference to the local Thornton, Colorado time.

<u>Solicitation Item</u>	<u>Date</u>	<u>Time</u>
Proposal Issued	August 23, 2023	
Deadline to Submit Additional Questions	September 15, 2023	11:00 P.M.
Response to Written Questions	September 22, 2023	11:00 P.M.
Proposal Due Date	October 2, 2023	11:00 P.M.

A.2 BUYER OF RECORD:

The Buyer of Record for this solicitation will be the central point of contact throughout the solicitation process. All questions and inquiries must be submitted in writing via a direct email to the Buyer. No communication is to be directed to any other Thornton personnel.

The Buyer of Record's contact information is as follows:

Buyer Name: **Andrew Miskell, CPPB**

Buyer Title: **Senior Purchasing Analyst**

Buyer Email: Andrew.Miskell@ThorntonCO.gov

A.3 GENERAL SUMMARY OF PROCUREMENT NEEDS:

The City of Thornton, CO ("Thornton") is seeking Proposals from interested firms for the purchase of services of reviewing Thornton's roadways and their conditions, along with providing a pavement management software platform/solution.

SECTION B: CURRENT STATE, SCOPE OF WORK, AND SPECIAL CONSIDERATIONS

B.1 CURRENT STATE:

Thornton benefits from our proximity to downtown Denver, the Denver International Airport, and the foothills of the beautiful Rocky Mountains, known to locals as the “Front Range”. Thornton is a home-rule city of almost one hundred fifty thousand plus (150,000+) citizens located northeast of Denver in Adams County, Colorado, which includes four (4) wards. Thornton is projected to become the 5th largest city in Colorado within the next few years, with population growth projections exceeding two hundred forty thousand (240,000) citizens by 2065. Thornton is currently governed by an elected City Council of eight (8) members and its operations are managed by a City Manager who serves at the pleasure of the City Council.

Of Thornton’s internal Agencies, the Infrastructure Department, specifically the Streets and Rehabilitation (“Streets”) team, are responsible for reviewing and maintaining all of the roadways that are within the city limits of Thornton. This consists of approximately four hundred and twenty-one (421) centerline miles. To manage the aspects of Thornton’s roadways and their conditions, that information is currently housed in an older database that no longer meets Thornton’s growing needs, nor our abilities to consistently maintain the outdated database. This database and the data entered into it is managed by the Streets team.

While also managing the database, the Streets team also is responsible for physically driving and reviewing all roadways within Thornton. This includes checking the roadways for damage, the ASTM 6433 SHRP distress (alligator, transverse, edge, patching and potholes, longitudinal) areas for improvement, correct lane structuring, Remaining Service Life (“RSL”), etc.

Thornton’s desire is to find a qualified Vendor from this RFP to perform surveys and windshield assessments on one-third (1/3) of Thornton’s roadways for their conditions on an annual basis. This annual one-third (1/3) of roadway approach would provide Thornton a complete overview every three (3) year cycle. In addition, it is also Thornton’s desire to have the same Vendor who will be performing these surveys and assessments, to also be able to provide a pavement management software platform for maintaining the data of Thornton’s roadways.

B.2 GOALS FROM THIS RFP:

Thornton’s desired outcome from this RFP is to find a qualified Vendor that can meet or exceed our goals as a roadway assessment and software providing Vendor. These goals include, but are not limited to:

- 1) Ability to perform an in-person assessment of Thornton’s pavement conditions and segments.

- 2) Ability to provide a recommendation for treatment of each pavement segment.
- 3) Ability to provide a software solution that can aid in the pavement management for Thornton's roadways.
- 4) Ability to provide pavement condition projections based on proposed Thornton funding levels.

B.3 BUDGETARY REQUIREMENTS:

Thornton does not have a particular defined budgetary number for this project, however, a budgetary quote was received in 2022 in an effort to better understand what the costs may be for this Project. To better inform the Vendor community, Thornton has an expectation of cost for this Project to be in the neighborhood of seventy-five thousand dollars (\$75,000.00).

All future years of software subscriptions, maintenance and support, and possible expansion of the program are subject to annual funding appropriations review and approval by the Thornton City Council.

B.4 AWARD LENGTH:

The initial award from this solicitation will be from the date of the final signature of the contract, until **December 31, 2033**. No further extensions or renewals shall pass this date for service from the awarded Vendor, unless otherwise previously authorized in writing by the Thornton Purchasing Division.

However, prior to this termination date, the Thornton Purchasing Division, the requesting Agency, and the Thornton Information Technology Department will perform a review of the pavement management solution that has been awarded from this solicitation, to ensure that it continues to meet or exceed Thornton's needs. Should the awarded solution continue to meet Thornton's needs, the software may be renewed on an annual basis by mutual agreement of the Vendor and the Thornton Purchasing Division by an annual issuance of a purchase order.

B.5 SCOPE OF WORK – PAVEMENT CONDITION ASSESSMENT:

Thornton is seeking a qualified firm to come onsite to Thornton and perform a pavement condition assessment through a windshield survey of Thornton's four hundred and twenty-one (421) center lane miles.

Thornton's expectation is for the Vendor to track street-level imagery, assets, and GPS data points through a high-resolution camera and/or a physical pavement condition assessment. Thornton's desire is for the Vendor's assessment to use distress severity and the extent to which the pavement has been compromised.

Thornton's expectation is for the Vendor's distress identification to be based on the recommended Remaining Service Life ("RSL"), the Pavement Conditions Index ("PCI"), and the Strategic Highway Research Program ("SHRP") distress identifiable items, such as, alligator, transverse, edge, patching and potholes, and longitudinal issues.

As part of the overall pavement condition assessment, the Vendor shall also provide a condition for each segment and a network pavement distribution, along with a recommendation for treatment of each pavement segment, with all final results to have been inputted into the software platform by the Vendor for Thornton report out when necessary. Proposing Vendors are to be able to provide recommendations on a variety of different repair considerations, as Thornton will not isolate a recommendation to only one variety (e.g., mill and pave, crackseal patching, rejuvenator, etc.).

Proposing Vendors should note that Thornton does not have a set expectation for a segment length and would be open to what the Vendor proposes as a reasonable segment length. Thornton does have the expectation that the Vendor who is awarded from this solicitation would maintain the same segment length that was originally proposed and agreed upon in the final contract, for each year an assessment is performed. This is to ensure that for each assessment performed by the Vendor, there is consistency in Thornton's ability to review, report out, plan, and repair roadways.

B.6 REQUIREMENTS TRACEABILITY MATRIX ("RTM"):

Thornton is seeking for the proposing Vendor to be able to provide a new software platform in which the data that is collected from this assessment to be entered into the new software platform.

Thornton has provided an additional Microsoft Excel file under separate cover titled "291-23 RFP Appendix # 1 RTM Matrix 08-23-23". This matrix states the requirements, descriptions of information, and their associated MoSCoW values.

The matrix contains a column titled "Requirement Compliance" with drop downs, which the proposing Vendor is to answer how their solution meets each requirement, with options including, cannot meet, future release, out-of-the box, with configurations, or with custom programming. There is an additional column within the matrix titled "Product/Module" for the Vendor to enter in if the requirement is found within a particular module of their solution.

Proposing Vendors are required to complete and return this RTM Excel file with their final proposal submission as the responses will be part of the overall evaluation of the Vendor's proposal. Vendors will be allowed to expand upon their answers from their completed RTM and how their solution functions, when answering the proposals questions found in Section C.2 – Proposal Questions.

B.7 DATA MIGRATION:

Thornton is not currently seeking for the awarded Vendor from this solicitation to perform the migration of any existing data into the Vendor's software solution. Historical data that is available and housed in ArcGIS may be provided by Thornton to the awarded Vendor upon request.

B.8 INTEGRATION POINTS:

At the time of this solicitation, the only known integration point that Thornton will require from the awarded Vendor is for the Vendor's solution to directly integrate with Thornton's geographic information system (GIS). The GIS that Thornton currently utilizes is ArcGIS version 10.7.

B.9 LICENSING:

Upon reviewing the current state, Thornton anticipates a current need of no less than **three (3)** Administrative ("Admin" or "Super Admin") and General Use level licenses. These Admin licenses will be utilized by the Infrastructure Department, and Thornton's Information Technology team in order to support everyday usage by other users. Thornton expects this number to grow over time and the Vendor's solution should be scalable for other Thornton to purchase additional licenses for users to be able to adopt and logon should additional licenses be necessary for Thornton's operations.

B.10 F.O.B. POINT:

Prices quoted for all reports and software maintenance renewals shall be F.O.B. Destination and delivered, as required.

All reports are delivered to Thornton's Infrastructure Department, located at:

**Thornton Infrastructure Maintenance Center
12450 Washington Street
Thornton, CO 80241
Attention: Streets Division**

All software and maintenance licenses and renewals are delivered to Thornton's Information Technology Division, located at:

**Thornton City Hall
9500 Civic Center Drive
Thornton, CO 80229
Attention: Information Technology Division**

B.11 DEMONSTRATIONS AND INTERVIEWS:

Thornton reserves the right to review a Vendor's proposed solution that would be on hand or in the field of use. The proposed solution may be viewed at Thornton's sole discretion at virtually or at a physical Thornton facility. It will be Thornton's sole discretion if a demonstration is deemed to be necessary during the evaluation phase of this solicitation.

In addition to demonstrations, Thornton may also elect to conduct Vendor interviews in order to clarify and answer additional questions. All interviews will be held at a physical/virtual location at Thornton's sole discretion and shall be at Thornton's decision if an interview is deemed as being necessary.

Thornton shall not compensate a proposing Vendor for any costs incurred by a Vendor that are related to a demonstration or interview conducted by Thornton during this RFP process.

B.12 SAMPLES:

Upon request, Vendors are required to furnish a sample of previous survey work performed to another client, which will be supplied at no cost to Thornton. Any sample submitted shall create an express warranty that the whole of the goods and/or services shall conform to the sample submitted. Thornton will not return samples provided by the Vendor upon conclusion of this solicitation.

B.13 INVOICING REQUIREMENTS:

Thornton's Accounts Payable Division is the only division within Thornton that issues payments to Vendors whom have submitted invoices. Thornton only issues payments from invoices and will not issue payments to Vendors off of quotes.

Thornton's standard payment terms are net thirty (30) calendar days after receipt of an invoice. All invoices submitted shall be emailed to AP.Invoices@ThorntonCO.gov. In lieu of email, physical copies may be submitted to City of Thornton – Accounts Payable, 9500 Civic Center Drive, Thornton, CO 80229-4326. Invoices sent to anyone other than Accounts Payable are not considered to be properly submitted and will not be paid until they are properly submitted.

B.14 VENDOR PERFORMANCE MANAGEMENT:

Thornton may administer a Vendor performance management program as part this Proposal and resulting agreement. The purpose of this program is to create a method for documenting and advising Thornton of exceptional performance or any problems related to the purchased goods and services.

B.15 COOPERATIVE PURCHASING:

Thornton encourages the proper use of cooperative purchasing and reserves the right to make results of this solicitation available to other governmental agencies seeking like equipment, goods, or services. Other agencies using this solicitation must do so according to regulations established by their individual organizations and accept sole responsibility for its use. The terms and conditions of any resulting transaction shall be exclusively between the buyer and the seller. Buyers and sellers using this solicitation in a cooperative or “piggy-back” fashion, agree to defend and hold harmless Thornton from any dispute or action arising from its use.

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SECTION C: PROPOSAL QUESTIONS TO PROSPECTIVE VENDOR**C.1 INSTRUCTIONS FOR ANSWERING QUESTIONS:**

Your proposal response must specifically address each of the questions/issues that Thornton has provided under separate cover. The **quality and detail** of your responses will be considered in the overall evaluation of your proposal. Proposers are encouraged to give examples and provide comprehensive information to support your compliance on each point.

All answers provided by the awarded Vendor may be incorporated into the final contract between the Vendor and Thornton as an additional exhibit or as part of a finalized Scope of Work.

C.2 PROPOSAL QUESTIONS:

Thornton has provided an additional Microsoft Word file under separate cover titled “291-23 RFP Appendix No. 2 Proposal Questions 08-23-23”. This document contains questions behind each RTM requirement for the Vendor to elaborate and explain their product on, as well as additional RFP questions. Thornton has provided this document as a Word file for the proposing Vendor’s ease of entry of information and returning it to Thornton with their final proposal submission.

To standardize the format of all proposals for evaluation, Proposers are required to respond to all questions **in the order given** and to list the item number and restate the question prior to giving their answer. Failure to comply with this requirement may result in your proposal being declared non-responsive.

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SECTION D: PRICING AND PROPOSAL ITEMS**D.1 PRICING INFORMATION:**

This section shall include a description of the proposed costs and prices. All pricing information shall be limited solely to this section of your proposal. This section should address all requirements set forth in Section B as well as any other items pertinent to your proposal pricing such as additional discounts for increased quantities, etc. The requirements have been developed to allow Thornton to uniformly evaluate prices submitted for the work. Accordingly, you should follow these instructions carefully and provide all data requested in the formats specified herein and in any referenced attachments.

Any omissions in this Proposal shall be identified by each Vendor and incorporated into their proposal including any omissions for software, hardware, support etc. which is necessary to the success of the project and must be identified as a separate line item with pricing and included as part of this RFP. Thornton will not increase the contract or any purchase order (either dollar amount or time) for items not included in the submitted proposal documents. Thornton reserves the right to purchase part or the entire proposal.

D.2 BEST AND FINAL OFFER:

Thornton reserves the right after review and evaluation of Vendors, including after all interviews and demonstrations that have been conducted, to go back to the “short list” of Vendors to conduct a Best and Final Offer (“BAFO”). The BAFO will be included as a final pricing evaluation tool by Thornton to aid in the award decision process.

D.3 REIMBURSEABLE EXPENSES:

Reimbursable expenses for Vendor employee travel and accommodations to Thornton or the jobsite(s), mileage, photocopying, and printing will not be applicable. All proposed Vendor rates shall be inclusive of standard office equipment, supplies, and rental equipment incurred by the awarded Vendor during their service to Thornton. It is the proposing Vendor’s responsibility to list all applicable employee costs for this project and any future projects. All items not itemized and listed by the proposing Vendor that are instrumental in completing any Thornton project, shall be at the cost to the Vendor and supplied to Thornton at no additional cost.

D.4 PRICING AND ANNUAL UPDATES – PAVEMENT ASSESMENT:

The awarded Vendor must hold the pavement assessment prices quoted firm until December 31, 2024, after which time the Vendor may request annual price adjustments for inflation based on the Denver-Aurora-Lakewood Price Index upon mutual agreement of the Parties.

A link to index that is current at the time of this solicitation has been provided below:

https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS48BSA0.CUUSS48BSA0

D.5 PRICING – SOFTWARE PLATFORM:

All prices quoted for all software platform and implementation costs shall be firm and fixed for this project period. All prices quoted by the Vendor for the software subscription and maintenance costs shall be firm and fixed for the initial year of service.

D.6 PROPOSAL ITEMS:

The pricing form for this RFP will be in a Microsoft Excel format, with a free-type ability for the Vendor to complete the form. The form is under separate cover and is entitled “291-23 RFP Appendix No. 3 Pricing Form 08-23-23”.

The proposing Vendor will provide costs for both sections of the pricing form.

- Section 1 – Vendor’s Pavement Assessment Proposal
 - This pricing is inclusive of all components that will factor into the Vendor’s ability to provide an annual pavement assessment of Thornton’s roadways based upon the Scope of Work and the Vendor’s response to this RFP.
 - This includes, but is not limited to:
 - Vendor employee wages;
 - Vendor time, effort, equipment rental costs, and transportation to traverse Thornton’s roadways to perform the assessment;
 - The pavement assessment, including conditions and recommendations for treatment;
 - Data entry into Vendor’s proposed software solution; and
 - All additional items that are required for a complete product.
- Section 2 – Vendor’s Software Solution Proposal
 - This pricing is inclusive of all components that make up the software solution proposed by the Vendor which will enable Thornton to utilize the Vendor’s software platform.
 - This includes, but is not limited to:
 - The solution itself;
 - Implementation of the platform;
 - Integration with ArcGIS 10.7;
 - Licensing;
 - Support and Maintenance; and
 - Training

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SECTION E: PROPOSAL INSTRUCTIONS, EVALUATION, AND AWARD**E.1 PROPOSAL POSTED LOCATIONS:**

This Request for Proposal (RFP) has been posted publicly to the following locations:

- BidNet® Direct: www.BidNetDirect.com
- Thornton's Purchasing website: <https://solicitations.thorntonco.gov/solicitations>

Thornton currently uses BidNet Direct® and its own website to distribute official records for all copies of publicly posted proposals for viewing. Both websites operate as a free to view and download option for prospective Vendors.

Upon request by a Proposing Vendor, the Purchasing Division will also make this solicitation available for viewing at the Contracts and Purchasing Division office. The address for the office is located on the cover page of this RFP.

E.2 PROPOSAL QUESTIONS:

Thornton shall not be bound by and the Vendor shall not request or rely on any oral interpretation or clarification of this RFP. Therefore, any questions regarding this RFP are encouraged and shall be submitted in writing by email to the Buyer of Record listed within this RFP.

Questions received up to deadline to submit question in the Schedule of Events will be answered in writing per the Schedule of Events. Answers to questions from any Vendor will be provided to all Vendors via a written addendum.

E.3 ADDENDA:

In the event it becomes necessary to revise, change, modify or cancel this RFP or to provide additional information, addenda will be issued and made available on BidNet® Direct and on Thornton's website. Changes, clarifications, and answers to RFP questions that have been posted in a written addendum that affect or change the RFP's Scope of Work shall be considered as to have replaced and superseded the original proposal's Scope of Work.

It is the responsibility of the proposer/ contractor to confirm that they have acquired all addenda related to this Proposal and they have reviewed/ complied with the requirements therein.

E.4 SUBMISSION OF PROPOSALS:

Submission of proposals for this RFP may be done electronically through a Vendor portal (currently done via BidNet Direct®). Proposals can be submitted at www.bidnetdirect.com, but shall not be completely submitted later than the date and time indicated in the Schedule of Events.

If you experience problems with BidNet Direct®, please call 1-800-835-4603 for assistance. There is no charge by BidNet Direct® for this service.

Proposing Vendors who are unable to submit a proposal through BidNet®, may request to submit a physical copy of their proposal for consideration. A proposing Vendor shall email the Buyer of Record prior to the question due date listed in the Schedule of Events, for instructions on where and how to submit their physical proposal. All physical proposal submissions shall be submitted and recorded no later than the date and time indicated in the Schedule of Events.

E.5 DOCUMENTS FOR FINAL VENDOR SUBMISSION:

Proposing Vendors are to ensure that they're submission is complete and responsive prior to a final submission. As a reminder this RFP contains the following documents that will require completion by the proposing Vendor to be considered as initially responsive:

- 1) Section B.6 – Requirements Traceability Matrix (“RTM”)
- 2) Section C.2 – Proposal Questions – Answers provided by the proposing Vendor
- 3) Section D.6 – Proposal Items in Excel Pricing Form
- 4) All additional technical information in support of your proposal
- 5) Standard Thornton Proposal Forms to be Signed By Vendor:
 - a) Section G.1 – Acceptance and Addenda Acknowledgement Form
 - b) Section G.2 – Sample Agreement Acknowledgement Form
 - c) Section G.3 – References and Authorization Release Form

It is not necessary for a proposing Vendor to submit this entire RFP document that has been provided by Thornton with the Vendor's response. Only the above mentioned items are currently required with your proposal submission. Thornton reserves the right to request any clarification, ask any questions, or request additional documents that may aid in the evaluation of your proposal.

E.6 CONFIDENTIAL AND PROPRIETARY INFORMATION

As a Colorado home rule municipality, Thornton is subject to and must comply with the Colorado Open Records Act (“CORA”), C.R.S. § 24-72-201 *et seq.* All Vendor submitted documents are subject to requests for public records pursuant to CORA. **Proposing Vendors must clearly identify within their submissions any information that is confidential and proprietary by marking such information as “Confidential” or “Proprietary” information.** Any information a Vendor marks as confidential or proprietary shall comply with CORA and any other applicable statute(s).

Prior to a final award and contract, Vendor submitted information that is contained within the Proposal may be held by Thornton as confidential and proprietary at Thornton's sole discretion. **In accordance with CORA, upon the conclusion of a final award and contract, Thornton may, in its sole discretion, release any and all portions of Vendor submissions not marked as confidential or proprietary.** Thornton shall be held harmless from any claims arising from the release of confidential and proprietary information not clearly designated as such by the proposing Vendor.

In general, it is not acceptable to Thornton to mark information other than the following as confidential or proprietary:

- 1) Financial Statements;
- 2) Project Financing Data;
- 3) Litigation history;
- 4) Tax Audit history; and
- 5) Client lists and references.

Thornton does not generally find it acceptable to mark proposal pricing, or the entirety of your proposal, as confidential or proprietary. Failure to adhere to these restrictions may result in your proposal being deemed as non-responsive.

For more information about Thornton's processes related to CORA, including using Thornton's Public Records Request Form or for submission of a CORA request, please visit the website of the office of Thornton's City Clerk at <https://www.thorntonco.gov/government/city-clerk/Pages/default.aspx> or you can reach the Clerk's office by email at Clerk@ThorntonCO.gov or by phone at (303) 538-7615.

E.7 LATE PROPOSAL SUBMISSIONS:

Proposing Vendors are expected to allow adequate time to upload a complete submission for consideration through the electronic Vendor portal (currently BidNet Direct®). The Vendor portal will not allow a Vendor to modify, save, nor upload their proposal after the submittal date and time have passed. It is **highly recommended** that as a proposing Vendor you do not wait until the last minute to submit your proposal.

Late proposals will not be accepted. Sole responsibility rests with the proposing Vendor to ensure that its proposal is completely uploaded through the Vendor portal or is received in the Purchasing Office prior to the submission deadline. Proposals that are left in a "Draft" status in the Vendor portal will not be accepted by Thornton for consideration.

All physical proposals received in the Purchasing Office after the submittal date and time will be immediately rejected without consideration.

E.8 AWARDS:

Award will be made on an "all or none" basis. Prices must be shown for each item listed. Proposals submitted without individual item prices listed will be considered as non-responsive and rejected.

E.9 ACCEPTANCE PERIOD:

Submissions in response to this proposal shall remain valid until an award has been made to a proposing Vendor or at a minimum of one hundred twenty (120) Calendar Days from the time of submission, whichever date comes last.

E.10 EVALUATION OF PROPOSALS:

All proposals will be evaluated by a Selection Committee assigned by the City Manager, or his designee. Proposals shall be evaluated on the basis qualifications, experience, and the applicability of the solutions offered to meet Thornton's needs as they pertain to the Evaluation Criteria noted herein and in the context of best value received for the required goods and/or services. Note that any tools utilized by the Selection Committee in their evaluation process are only intended to facilitate the understanding of the submissions received and facilitate the member's ability to weigh the merits of each proposal. Therefore, any tools utilized by the Selection Committee have no binding effect on their vote or the final award made by Thornton as a result of this RFP.

In addition, other pertinent information which becomes available during the evaluation, interview, or negotiations may be considered in the evaluation. The committee may make a selection on the basis of the Proposals received, or may choose to "short list" prospective firms for further consideration, which may include interviews and or negotiations. The firm selected for the Award will be chosen on the basis of the apparent greatest operational and financial benefit to Thornton, and not necessarily on the basis of lowest price. The City Manager, or his designee, shall make the final determination of the firm selected.

E.11 EVALUATION CRITERIA:

Evaluation criteria for this RFP may include, but is not limited to, the following items:

- 1) Responsiveness to the needs of Thornton, including the time required to complete the implementation of the awarded Vendor's solution.
- 2) Responsibility of the proposing Vendor.
- 3) The written responses provided by the proposing Vendor to the Proposal Questions – Section C.2, and all clarification questions asked by Thornton during the RFP evaluation.
- 4) The proposing Vendor's submitted pricing.
- 5) The results of the Vendor's reference checks.
- 6) The degree to which the Vendor's proposal meets or exceed the needs as defined in the RFP, including any additional value-add items.

- 7) The results of any Vendor samples, and/or interviews from this RFP.
- 8) The agreeability of the Vendor to Thornton's terms and conditions and the ability to contract with the awarded Vendor.
- 9) All other applicable information and documents submitted by the Vendor and received by Thornton in the evaluation of the proposal.

E.12 POST AWARD PURCHASE ORDER:

The resulting award from this Proposal will be a purchase order (PO) generated by Thornton's Contracts and Purchasing Division, upon finalization of an agreement.

E.13 STANDARD PROPOSAL CONSIDERATIONS:

Thornton maintains a standard set of RFP considerations and terms and conditions for RFPs that are non-federally funded and are not through a cooperative awarded process. These considerations are static between each RFP process. It is the sole responsibility of the proposing Vendor to have read all RFP considerations. A copy of these standard RFP considerations has been uploaded with this RFP document as a separate cover, which is titled as "291-23 RFP Appendix No. 4 Standard Proposal Considerations".

The remainder of this page has been left blank intentionally.

SECTION F: SAMPLE AGREEMENT**F.1 SAMPLE AGREEMENT:**

A Sample Agreement has been provided under separate cover as part of this solicitation, which is titled as “291-23 RFP Appendix No. 5 Sample Agmt 08-23-23”. This Sample Agreement has been provided to inform the proposing Vendor of Thornton’s terms and conditions expectation for the awarded Vendor from this solicitation. This Sample Agreement is subject to change at Thornton’s sole discretion.

The Vendor does not need to complete any of the information within the sample agreement as part of the initial proposal submission process. At Thornton’s sole discretion and as part of a final evaluation process by Selection Committee, the Buyer of Record may contact a proposing Vendor for any clarifications.

The remainder of this page has been left blank intentionally.

SECTION G: REQUIRED VENDOR SIGNATURE FORMS**G.1 ACCEPTANCE AND ADDENDA ACKNOWLEDGEMENT FORM:**

Vendor indicates acceptance of the following conditions:

- 1) City of Thornton Charter Section 7.4 prohibits Thornton from issuing a Purchase Order to firms which employ certain family members of employees unless the Thornton Council determines it is in Thornton's best interest. For the purposes of this Charter Section, a domestic partner shall be considered equivalent to a family member. The Vendor attests to the following:

No City Council Member, member of a board or commission, Municipal Judge, City Manager, City Attorney, or employee of the City of Thornton, or any such person's family member, domestic partner, or person assuming a relationship being the substantial equivalent of the above, has an existing or pending, direct or indirect, financial, pecuniary or personal interest in the proposing firm or this Invitation for Bid, except as follows: (list, if any) _____

- 2) The undersigned Vendor, having examined the Proposal Documents, and having full knowledge of the product and/or services requested and described herein, hereby proposes that it will fulfill the obligations contained herein specifications set forth; and that it will furnish all required products and pay all incidental costs all in strict conformity with these Proposal Documents, for the stated prices as payment in full. Yes No

- 3) I acknowledge receipt of any and all published addenda and a copy of the sample agreement as provided by Thornton : Yes No

- 4) I acknowledge that I have submitted all items and documents as required of the final proposal submission Yes No

Proposing Vendor's Name: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

Telephone Number: _____

Email: _____

G.2 SAMPLE AGREEMENT ACKNOWLEDGEMENT FORM

Regarding Thornton's Sample Agreement, the undersigned Vendor acknowledges the following:

- 1) The proposing Vendor has received a copy of Thornton's Sample Agreement. Yes No
- 2) All proposed exceptions to Thornton's sample Agreement and all proposed Vendor agreements may be included as part of Thornton's final evaluation process. Yes No
- 3) All proposed exceptions or redlines to Thornton's sample Agreement by the Vendor, and all proposed terms and conditions have been uploaded with the Vendor's final proposal as a separate file and has been clearly marked as so. Yes No
- 4) If chosen for award, that Thornton may accept, reject, or negotiate all proposed changes to the terms and conditions of the sample Agreement and all other Vendor proposed terms and conditions.

Should an Agreement be unable to be reached between Thornton and my firm, I acknowledge that Thornton retains the sole discretion to reject the award made and move to another Vendor for award and contractual negotiations. Yes No

Proposing Vendor's Name: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

G.3 REFERENCES AND AUTHORIZATION AND RELEASE FORM:**REFERENCE AUTHORIZATION FORM**

By: _____, A Corporation
(Proposing firm) _____, A Partnership whose address is _____
_____ An Individual (Circle One)

Proposing firm has submitted a sealed Proposal to the City of Thornton (Thornton) for this solicitation.

Proposing firm hereby authorizes Thornton to perform such investigation of proposing firm as Thornton deems necessary to establish the qualifications, responsibility, trustworthiness, and financial ability of the proposing firm. By its signature hereon, the proposing firm authorizes Thornton to obtain reference information concerning the proposing firm and releases the party providing such information named above and Thornton from any and all liability to the proposing firm as a result of any reference information provided.

Proposing firm further authorizes Thornton to discuss and release any and all information regarding the Proposing firm's performance on its forthcoming services related to this project or other past projects upon receiving a request for such information. Proposing firm releases Thornton from any and all liability associated with such a release of information.

Proposing firm further waives any right to receive copies of reference information provided to Thornton. A copy or facsimile of this executed Reference Authorization and Release Form may be used with the same effectiveness as an original.

Proposing Vendor's Name: _____

Submitted By (Printed): _____

Submitted By (Signature): _____

Title: _____

Date: _____

SECTION H: AUTHORIZATION FOR SOLICITATION POSTING**H.1 PURCHASING MANAGER FORM:**

All communications regarding this solicitation shall be directed to the Buyer of Record listed within this solicitation in Section A.2 – Buyer of Record.

This solicitation has been reviewed and approved for a public posting by the Thornton Purchasing Manager.

Megan deGrood, CPPB
Purchasing Manager